

## **REMARKS**

In an Office Action mailed November 18, 2005, claims 1, 2, 5, 6, 14, 15, 17, 18, 26, 27, 29-31, 34, 35, 38-40, 42, 43, 45, 50 and 51 were rejected under 35 U.S.C. §102(b) as being anticipated by Dev et al. (U.S. Patent No. 6,049,828; hereinafter “Dev”); claims 9-13 were rejected under 35 U.S.C. §102(e) as being anticipated by Elliott (U.S. Patent No. 6,509,830); and claims 3, 4, 7, 8, 16, 19, 28, 32, 33, 36, 37, 41, 44, 46-49 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dev in view of Elliott. Applicants respectfully traverse and request reconsideration.

As an initial matter, Applicants note that claims 20-25 and 53-61 have been previously withdrawn. Furthermore, claims 14-16 and 35-41 have been canceled above. Therefore, no further discussion regarding claims 14-16, 20-25, 35-41 or 53-61 will be provided. The rejections of claims 1-13, 17-19, 26-34 and 42-52, which remain pending, are discussed in further detail below.

Applicants note that independent claims 1, 5, 9, 17, 30 and 42 have been amended above to recite the limitation of at least one rule that “tests for non-optimal use of at least one object of the plurality of objects” to more clearly and distinctly claim that which Applicants regard as their invention. Applicants respectfully submit that no new subject matter has been added to the instant disclosure by these amendments. Support for these amendments may be found at least in paragraphs [0016] and [0036] in the form of the various exemplary rules stated therein.

Claims 1, 2, 5, 6, 17, 18, 26, 27, 29-31, 34, 42, 43, 45, 50 and 51 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dev. As noted previously, claims 1, 5, 17, 30 and 42 have been amended above to recite the limitation of at least one rule that “tests for non-optimal use of at least one object of the plurality of objects”. Applicants submit that Dev fails to teach

anything concerning rules that test for non-optimal use of one or more tracked objects. As such, Applicants respectfully submit that Dev fails to anticipate claims 1, 5, 17, 30 and 42, which claims are therefore in suitable condition for allowance.

Applicants also note that claims 2, 6, 18, 31, 34 and 43 are dependent upon independent claim 1 (claim 2), independent claim 5 (claim 6), independent claim 17 (claim 18), independent claim 30 (claims 31 and 34) and independent claim 42 (claim 43). Because claims 2, 6, 18, 31, 34 and 43 incorporate the limitations of the independent claims from which they depend, Applicants submit that Dev fails to anticipate claims 2, 6, 18, 31, 34 and 43, which claims are in suitable condition for allowance.

Regarding claim 26, Applicants respectfully submit that Dev fails to disclose the claimed “alert controller” within the communication unit that periodically requests alerts from a tracking manager based on configuration information provided by the tracking manager. By its very terms, this limitation establishes that the tracking manager first provides configuration information to the communication unit, and that the alert controller within the communication unit uses this configuration information to periodically request alerts from the tracking manager. To the extent that Dev’s “user interface 10” and “virtual network machine 12” have been equated with the claimed communication unit and tracking manager, respectively, Applicants submit that the cited portion of Dev (col. 7, lines 14-20) fails to teach the claimed limitation. In particular, the polling referred to in the cited portion of Dev refers to polling performed by Dev’s virtual network machine 12, not Dev’s user interface 10. Given the alleged equivalence between elements of Dev and the instant invention, this teaching is essentially equivalent to the presently claimed tracking manager performing polling, which, of course, is not equivalent to the presently claimed limitation. Furthermore, Dev is completely silent concerning the tracking manager

providing configuration information to the communication unit, which configuration information is used by the communication unit to periodically request alerts from the tracking controller. For these reasons, Applicants respectfully submit that Dev fails to anticipate claim 26, which claim is therefore in suitable condition for allowance.

Regarding claims 27 and 51, it is alleged that Dev teaches display of “a graphic indicative of a number of alerts at each of a plurality of alert levels.” While the cited portion of Dev (col. 14, lines 51-65) does disclose a display in general, it is silent with regard to displaying a graphic indicative of the a number of alerts at each of a plurality of alert levels. In contrast, Applicants note col. 8, lines 31-34 where Dev instead teaches displaying *only the most severe alarms*, as opposed to a graphic indicative of the number of alerts at each alarm level. Additionally, Dev’s FIG. 10 illustrates the display of text (element 420) concerning various pending alerts, which is to be contrasted with the claimed graphic. For this reason, Applicants respectfully submit that Dev fails to anticipate claims 27 and 51, which claims are therefore in suitable condition for allowance.

Regarding claims 29, 45 and 50, as noted above with regard to claim 26, Dev is completely silent with regard to the tracking manager providing, or the client device (communication unit) receiving, any kind of configuration information, much less at least one polling interval as presently claimed, to the client device. For this reason, Applicants respectfully submit that Dev fails to anticipate claims 29, 45 and 50, which claims are therefore in suitable condition for allowance.

Claims 9-13 stand rejected under 35 U.S.C. §102(e) as being anticipated by Elliott. As noted previously, claim 9 has been amended above to recite the limitation of at least one rule that “tests for non-optimal use of at least one object of the plurality of objects”. Applicants submit

that Elliott fails to teach anything concerning rules that test for non-optimal use of one or more tracked objects. As such, Applicants respectfully submit that Elliott fails to anticipate claim 9, which claims is therefore in suitable condition for allowance.

Applicants also note that claims 10-13 are dependent upon independent claim 9. Because claims 10-13 incorporate the limitations of the independent claim from which they depend, Applicants submit that Dev fails to anticipate claims 9-13, which claims are in suitable condition for allowance.

Claims 3, 4, 7, 8, 19, 28, 32, 33, 44, 46-49 and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dev in view of Elliott. As noted above, neither Dev or Elliott teaches the limitation of at least one rule that “tests for non-optimal use of at least one object of the plurality of objects”, which limitation is found in currently amended claims 1, 5, 9, 17, 30 and 42. As such, Applicants respectfully submit that claims the combination of Dev in view of Elliott fails to establish prima facie obviousness of claims 1, 5, 9, 17, 30 and 42. Applicants also note that claims 3, 4, 7, 8, 19, 32, 33 and 44 are dependent upon independent claim 1 (claims 3 and 4), independent claim 5 (claims 7 and 8), independent claim 17 (claim 19), independent claim 30 (claims 32 and 33) and independent claim 42 (claim 44). Because claims 3, 4, 7, 8, 19, 32, 33 and 44 incorporate the limitations of the independent claims from which they depend, Applicants submit that Dev in view of Elliott fails to render obvious claims 3, 4, 7, 8, 19, 32, 33 and 44, which claims are in suitable condition for allowance.

Regarding claim 28, Applicants note that this claim depends from claim 26. As noted above, claims 26 recites an alert controller within the communication unit that periodically requests alerts from a tracking manager based on configuration information provided by the tracking manager, which claim limitation is not taught by Dev. Furthermore, Applicants submit

that Elliott also fails to teach this limitation. Therefore, Applicants respectfully submit that Dev in view of Elliott fails to establish prima facie obviousness of claim 26. Because claim 28 depends from claim 26, the combination of Dev in view of Elliott also fails to render obvious claim 28, which claim is therefore in suitable condition for allowance.

Regarding claims 46-49, Applicants note that these claims depend from claim 45. As noted above, claims 45 recites receiving at least one polling interval from a tracking manager for later use in requesting event information, which claim limitation is not taught by Dev. Furthermore, Applicants submit that Elliott also fails to teach this limitation. Therefore, Applicants respectfully submit that Dev in view of Elliott fails to establish prima facie obviousness of claim 45. Because claims 46-49 depend from claim 45, the combination of Dev in view of Elliott also fails to render obvious claims 46-49, which claims are therefore in suitable condition for allowance.

Regarding claim 52, Applicants note that this claims depend from claim 50. As noted above, claims 450 recites receiving at least one polling interval from a tracking manager for later use in requesting alerts, which claim limitation is not taught by Dev. Furthermore, Applicants submit that Elliott also fails to teach this limitation. Therefore, Applicants respectfully submit that Dev in view of Elliott fails to establish prima facie obviousness of claim 50. Because claim 52 depends from claim 50, the combination of Dev in view of Elliott also fails to render obvious claim 52, which claim is therefore in suitable condition for allowance.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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Date: 4/12/2006

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